IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2487 OF 2005

Ravindra @ Maruti Shivhari
Kolhe ... Applicant

versus

The State of Maharashtra ... Respondent

...

Ms. Shaikh Sartaj, for the Applicant.

Mr. A.S. Gadkari, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

21st April 2005

P.C.:

. Heard Counsel for the parties. Perused the record. Indeed, the offence in question is serious one. However, the role of the Applicant who is accused No. 3 is limited to having arrived on the scene after his father had already assaulted the deceased by a sword. It appears that the incident happened because the family of the Applicant was of the opinion that the

deceased Sushila was indulging in witchcraft. As mentioned earlier, the Applicant's father, accused No.1, assaulted Sushila by a sword, whereas the Applicant is stated to have arried on the slcene only thereafter and at best assaulted the deceased with fist blows. This version is supported by the evidence of independent witness. Even so, for the role of the Applicant and the fact that the Applicant is of tender age and as there are no antecedents and investigation is complete, in my opinion, the Applicant deserves to be enlarged on bail on the following conditions.

(A) The Applicant is directed to be enlarged on bail in connection with CR.No.320/2004 registered with Haveli Police Station on executing personal bond in the sum of Rs.10,000/- (Rupees ten thousand only) with two local sureties in the like amount.

(B) The Applicant shall not influence the prosecution witnesses nor shall tamper with the prosecution evidence in any

manner whatsoever.

(C) The Applicant shall not enter the jurisdiction of Haveli Police Station during the pendency of the trial.

(D) The Applicant shall inform his place of residence to the investigating officer as well as the trial Court within one week from the date of release. Further, the Applicant shall report to the nearest police station once in a month on first Saturday of every English calendar month between 10 a.m. to 1 p.m.

(E) The Applicant shall co-operate for early disposal of the trial. If the trial Court is of the opinion that the Applicant is responsible for the delay in disposal of the trial, that opinion be recorded in the roznama, which can be a ground for cancellation of bail.

. Application disposed of on the above terms.

(A.M.KHANWILKAR,J.)